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**Committee on the Elimination of Discrimination against Women (CEDAW)**

**Human Rights Treaties Division (HRTD)**

**Office of the United Nations High Commissioner for Human Rights (OHCHR)**

**Palais Wilson - 52, rue des Pâquis**

**CH-1201 Geneva (Switzerland)**

**Oral Statement**

**on**

**General Discussion on the Rights of Indigenous Women and Girls**

**(A focus on the practice of witch-hunting of indigenous women in India)**

Distinguished members of the Committee on the Elimination of Discrimination against Women,

We welcome this general discussion with the Committee, United Nations agencies, other bodies and civil society organizations on the rights of indigenous women and girls.

The Committee through General Recommendation No. 35 recognizes that discrimination against women is inextricably linked to various factors that affect their lives which includes indigenous status. Further, in order to combat gender-based violence it is vital to acknowledge that while all women are at risk of facing gender-based violence, some women due to their vulnerable position face even greater risk. But, violence against women especially against tribal women that arises due to a host of factors is often overlooked in both social and academic discourse in India.

The indigenous tribal communities constitute 8.6% of India’s total population. The tribal communities are mostly defined by their distinctive culture and language with specific Gods and Goddesses and rituals in addition to geographical boundaries defining their existence.

Traditionally, tribal women are seen as having more freedom than their counterparts in other communities especially in matters related to marriage, including widow remarriage. However, women who ‘rebel’ against established social regulations are not tolerated. The practice of witch-hunting in these communities is seen as a form of punishment to those women who protest against the ‘traditional’ norms of behaviour. Women in the name of practicing witchcraft, are ostracized, tortured, beaten and even killed by entire communities. As per the National Crime Records Bureau (NCRB), between 2001 and 2014, more than 2000 people (mostly women) have died in India due to witchcraft accusations.

In this backdrop, we would like to highlight some of the structural challenges that not only reinforce a tribal woman’s inferior social position in society but also discourages her to assert herself and fight for her rights.

These structural challenges include,

1. Failure to recognize witchcraft accusations as a gender specific crime that targets women and benefits patriarchal ideology,

2. Lack of information in the public domain including the apathy by media and civil society, about instances of witch-hunting and the processes to claim rights or remedies,

3. Failure to assess existing laws and policies and formulate new laws where necessary, to protect rights of indigenous women and girls in general and those accused of practicing witchcraft in particular, and

4. Failure to take specific measures to remove socio-cultural barriers and eliminate prejudices and the so-called customary practices that lead to violation of rights of indigenous women and girls.

Recommendations:

1. Necessary specific penal legislation with stringent provisions for punishment needs to be enacted recognizing witch-hunting as a cognizable and non-bailable offence and not merely as a harmful customary practice.
2. Necessary provisions have to be incorporated in the applicable legal instruments in order to administer/govern the tribal areas by their own people, preferably by indigenous women, thereby making the women and girls, who are generally vulnerable, feel safer, due to the community feeling and belongingness.

We believe that the Committee will take note of these structural challenges that hinder the enjoyment of equal rights by indigenous women and girls and consider the recommendations we propose.

We are confident that the general discussion will make an important contribution to a better understanding of the challenges faced by all indigenous women and girls, and serve as a useful tool to enhance the implementation of States parties’ obligations under the Convention.

We thank you all for your attention.

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